



DOCKET NO.: ISIS-3455

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **IDENTIFICATION OF GENETIC TARGETS FOR MODULATION BY OLIGONUCLEOTIDES AND GENERATION OF OLIGONUCLEOTIDES FOR GENE MODULATION** the specification of which:

() is attached hereto.

(XX) was filed on April 13, 1999 as Application Serial No. 09/295,463.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of any application on which priority is claimed:

Country	Number	Date Filed	Priority Claimed
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner

provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status (patented, pending)
<u>09/067,638</u>	<u>April 28, 1998</u>	<u>Pending</u>
<u>60/081,483</u>	<u>April 13, 1998</u>	<u>Pending</u>
<u> </u>	<u> </u>	<u> </u>

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: John W. Caldwell and Paul K. Legaard, Registration Nos. 28,937 and 38,534 of the firm of WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103, and Herb Boswell, Laurel Bernstein and Henry Wu, Registration Nos. 27,311, 37,280 and 44,412, of ISIS Pharmaceuticals, 2292 Faraday Avenue, Carlsbad, California 92008.

Address all telephone calls and correspondence to:

Paul K. Legaard
WOODCOCK WASHBURN KURTZ MACKIEWICZ & NORRIS LLP
One Liberty Place - 46th Floor
Philadelphia, PA 19103
Telephone No. 215-568-3100.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Full Name: Lex M. Cowser	Inventor's Signature: <i>Lex M. Cowser</i>	Date: 5/26/99
	Residence: 3008 Newshire Street Carlsbad, California, 92008	Citizenship: United States	
	Post Office Address: Carlsbad, California, 92008		
2	Full Name: Brenda F. Baker	Inventor's Signature: <i>Brenda F. Baker</i>	Date: 6/15/99
	Residence: 2147 Avenida Toronja 2395 J Carina Way Carlsbad, California 92009 <i>BBB</i>	Citizenship: United States	
	Post Office Address: Carlsbad, California, 92009		
3	Full Name: John McNeil	Inventor's Signature: <i>John McNeil</i>	Date: 6/2/99
	Residence: 427 Retaheim Way La Jolla, California 92037	Citizenship: United States	
	Post Office Address: La Jolla, California 92037		
4	Full Name: Susan M. Freier	Inventor's Signature: <i>Susan Freier</i>	Date: 6/9/99
	Residence: 2946 Renault Street San Diego, California 92122	Citizenship: United States	
	Post Office Address: San Diego, California 92122		
5	Full Name: Henri M. Sasmor	Inventor's Signature: <i>Henri Sasmor</i>	Date: 6-11-99
	Residence: 3605 Tulare CT <i>HS</i> 1751 Orange Blossom Way Encinitas, California 92024	Citizenship: United States	
	Post Office Address: Encinitas, California 92024		

6	Full Name: Douglas G. Brooks	Inventor's Signature: <i>Douglas G. Brooks</i>	Date: 6/3/99
	Residence: 1156 Caminito Amarillo San Marcos, California 92069	Citizenship: United States	
	Post Office Address: San Marcos, California 92069		
7	Full Name: Cara Ohashi	Inventor's Signature: <i>Cara Ohashi</i>	Date May 24, 1999
	Residence: 131 Chaves Avenue San Francisco, California 94127	Citizenship: Canada	
	Post Office Address: San Francisco, California 94127		
8	Full Name: Jacqueline R. Wyatt	Inventor's Signature: <i>Jacqueline R. Wyatt</i>	Date 5/24/99
	Residence: 1065 Hymettus Avenue Encinitas, California 92024	Citizenship: United States	
	Post Office Address: Encinitas, California 92024		
9	Full Name: Alexander H. Borchers	Inventor's Signature: <i>Alexander H. Borchers</i>	Date 6/1/99
	Residence: 733 Winding Way Encinitas, California 92024	Citizenship: United States	
	Post Office Address: Encinitas, California 92024		
10	Full Name: Timothy A. Vickers	Inventor's Signature: <i>Timothy A. Vickers</i>	Date 5/27/99
	Residence: 253 Luiseno Avenue Oceanside, California 92057	Citizenship: United States	
	Post Office Address: Oceanside, California 92057		



Applicant or Pat nte : Lex M. Cowser, Br nda F. Baker, John
McN il, Susan M. Freier, H nri M. Sasnor, Douglas G. Brooks, Cara
Ohashi, Jacqueline R. Wyatt, Alexander H. Borchers, Timothy A.
Vickers

Serial No.: 09/295,463

Attorney's Docket No.: ISIS-3455

Date Filed: April 13, 1999

For: IDENTIFICATION OF GENETIC TARGETS FOR MODULATION BY
OLIGONUCLEOTIDES AND GENERATION OF OLIGONUCLEOTIDES FOR GENE
MODULATION

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am:

- () the owner of the small business concern identified below:
- (X) an official empowered to act on behalf of the concern
identified below:

NAME OF CONCERN: ISIS Pharmaceuticals, Inc.

ADDRESS OF CONCERN: 2292 Faraday Avenue
Carlsbad, CA 92008

I hereby declare that the above-identified small business concern
qualifies as a small business concern as defined in 13 CFR 121.12,
and reproduced in 37 CFR 1.9(d), for purposes of paying reduced
fees under section 41(a) and (b) of Title 35, United States Code,
in that: (1) the number of employees of the concern, including
those of its affiliates, does not exceed 500 persons; and (2) the
concern has not assigned, granted, conveyed, or licensed, and is
under no obligation under contract or law to assign, grant, convey,
or license, any rights in the invention to any person who could not
be classified as an independent inventor if that person had made
the invention, or to any concern which would not qualify as a small
business concern or a nonprofit organization under this section.
For purposes of this statement, (1) the number of employees of the
business concern is the average over the previous fiscal year of
the concern of the persons employed on a full-time, part-time or
temporary basis during each of the pay periods of the fiscal year,
and (2) concerns are affiliates of each other when either, directly
or indirectly, one concern controls or has the power to control the
other, or a third party or parties controls or has the power to
control both.

I hereby declare that rights under contract or law have been
conveyed to and remain with the small business concern identified
above with regard to the invention entitled IDENTIFICATION OF

GENETIC TARGETS FOR MODULATION BY OLIGONUCLEOTIDES AND GENERATION OF OLIGONUCLEOTIDES FOR GENE MODULATION by inventor(s) Lex M. Cowser, Brenda F. Baker, John McNeil, Susan M. Freier, Henri M. Sasmor, Douglas G. Brooks, Cara Ohashi, Jacqueline R. Wyatt, Alexander H. Borchers, Timothy A. Vickers described in

(XX) specification filed herewith.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required for each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME:

ADDRESS:

() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING

TITLE OF PERSON SIGNING

ADDRESS OF PERSON SIGNING

B. Lynne Parshall, Esq.

Executive Vice President and
Chief Financial Officer

2292 Faraday Avenue
Carlsbad, CA 92008

SIGNATURE

May 28, 1999

DATE